

1 EILEEN MATTEUCCI (SBN No.77327)
2 Attorney at Law
3 901 Owheanee Court
4 Fremont, California 94539
Telephone: (510) 623-7556
Fax No.: (510) 226-6210

5 ROBERTA SAVAGE (SBN No. 202940)
6 Attorney at Law
7 221 G Street Suite 207
8 Davis, California 95616
Telephone: (530) 753-4497
Fax: (530) 753-4498

9 Attorneys for Plaintiff E.P.

10 LOUIS A. LEONE (SBN #099874)
11 Stubbs & Leone
12 2175 N. California Blvd., Suite 900
13 Walnut Creek, California 94596
Telephone: (925) 974-8600
Fax: (925) 974-8601

14 Attorney for Defendant

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17

18 E.P., a minor, by and through A.P., His
19 Guardian Ad Litem,

20 Plaintiff,

21 vs.

22 SAN RAMON VALLEY UNIFIED SCHOOL
23 DISTRICT,

24 Defendant.

Case No.: **C05 01390 MJJ**

**JOINT CASE MANAGEMENT
STATEMENT**

Date: July 5, 2005
Time: 2:00 p.m.
Courtroom: 11; Hon. Martin Jenkins

25
26 The parties in the above-entitled action submit this Joint Case Management Statement and
27 Proposed Order and request the Court issue a scheduling order incorporating the suggestions of
28 counsel contained therein.

DESCRIPTION OF THE CASE

1. Events Underlying The Action.

Plaintiff E.P. is a seven and a half-year old boy who has autism and has been receiving special education services from San Ramon Valley Unified School District since 1999.

On June 8, 2004, the District convened an IEP meeting in order to discuss and determine an educational program, placement and services for Plaintiff. The IEP team reconvened on August 16, 2004 and again on August 25, 2004. The District thereafter scheduled another meeting for August 30, 2004. Plaintiff's parents contend they advised the District, both orally and in writing, that they could not attend the meeting on that day, and that they requested the District reschedule the meeting to a mutually convenient date.

Notwithstanding, a meeting was held on August 30, 2004 without Plaintiff's parents or his behavioral support services provider in attendance. Thereafter, the District forwarded to Plaintiff's parents a written offer of program, placement and services. Plaintiff's parents did not accept the District's offer of program, placement or services.

On September 16, 2004, Plaintiff filed for a due process hearing before the California Special Education Hearing Office (SEHO) to challenge the San Ramon Valley Unified School District's offer of program, placement and services for the 2004-2005 school year as both a substantive and procedural denial of a free and appropriate public education (FAPE). The student sought reimbursement of behavioral and education-related costs incurred by his parents during the period FAPE was denied.

Following an administrative hearing, a Special Education Hearing Officer rendered a written decision and mailed it to the parties. In his decision, the Hearing Officer found 1) the District did offer a FAPE to plaintiff during the 2004-2005 school year, and 2) plaintiff was not entitled to reimbursement for costs incurred for private behavioral intervention and educational services incurred during the

1 relevant period. The Hearing Officer found that the District prevailed on all issues and denied Plaintiff
2 any relief on his claims.

3
4 **2. Disputed Factual Issues.**

5 Plaintiff's Contentions:

6 Plaintiff contests all facts that the Hearing Officer used to support his determination that
7 Plaintiff was offered a free and appropriate public education for the 2004-2005 school year. Plaintiff
8 contends that the offered program was not designed either to meet Plaintiff's unique educational needs
9 or allow him to make progress on his educational goals and objectives. Plaintiff further contends that
10 the District violated procedural due process and denied parent participation in determining important
11 elements of his educational program by convening and concluding the IEP process in the absence of
12 plaintiff's parents.
13

14 Defendant's Contentions:

15 The District contends that the Hearing Officer's decision was appropriate for the student's
16 unique educational and behavioral needs following an assessment by the IEP team and others, and was
17 designed to allow him to achieve specific goals and objectives.
18

19 **3. Disputed Legal Issues.**

20 Plaintiff's Legal Issues:

- 21 a. Did the District offer Plaintiff a free and appropriate public education program for the
22 2004-2005 school year?
23
24 b. Is Plaintiff entitled to reimbursement of costs incurred in obtaining a private program
25 and services?
26
27 c. Is Plaintiff entitled to attorney fees as the prevailing party?

28 ///

1 Plaintiff contends that the Hearing officer's decision is arbitrary and capricious and erroneous as
2 a matter of law in that the Hearing Officer disregarded the facts and failed to follow the proper legal
3 analysis in determining the above issues.
4

5 Defendant's Legal Issues:

- 6 a. Whether the decision of the Special Education Hearing Office was based on the adequate
7 and substantive legal grounds and criteria; and
8 b. Whether E.P. was afforded procedural due process.
9

10 **4. Other Unresolved Issues.**

11 There are no other factual issues that remain unresolved in this case.

12 **5. Service of Parties.**

13 The named defendant has been served in this case.

14 **6. Additional Parties.**

15 Plaintiff does not at this time intend to join any additional parties in this case.
16

17 **7. ADR.**

18 The parties have requested an ADR telephone conference and will agree to a settlement
19 conference before a magistrate.

20 **8. Certification of Disclosures.**

21 Pursuant to FRCP 26(a)(1)(E), this action for review of an administrative record is exempt
22 from initial disclosures and Rule 26(f).
23

24 **9. Discovery.**

25 This matter is based upon a de novo review of an administrative decision rendered after an
26 evidentiary hearing. The parties do not seek to augment the record.
27

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1 **10. Anticipated Motions and Scheduling**

2 The parties will each file motions for summary judgment. The parties propose the following
3 briefing schedule for the disposition of this case:
4

| | |
|-------------------------------|---|
| 5 October 3, 2005 | Plaintiff's Motion for Summary Judgment |
| 6 October 24, 2005 | Defendant's Opposition and Request for Affirmative Relief |
| 7 October 31, 2005 | Plaintiff's Reply |
| 8 November 22, 2005 | Motion hearing |

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11 Dated: _____

Respectfully submitted,

12 _____
13 EILEEN MATTEUCCI
14 Attorney for Plaintiff E.P.

15 Dated: _____

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17 LOUIS A. LEONE
18 Attorney for Defendant SRVUSD
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